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ROANOKE RY. & ELECTRIC CO. *v.* STERRETT.

Sept. 15, 1910.

[68 S. E. 998.]

**1. Appeal and Error (§ 1002\*)—Review—Verdict—Conclusiveness.**—A verdict on conflicting evidence is conclusive on appeal.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3935-3937; Dec. Dig. § 1002.\* 1 Va.-W. Va. Enc. Dig. 620, et seq.]

**2. Damages (§ 214\*)—Personal Injuries—Instructions.**—An instruction that if one, suing for personal injuries, refused to submit to physicians' treatment or to follow their instructions, she could not recover so far as her injuries were aggravated by such refusal, was properly modified to require a finding that the refusal was unreasonable where the physicians were defendant's surgeons.

[Ed. Note.—For other cases, see Damages, Cent. Dig. § 542; Dec. Dig. § 214.\* 4 Va.-W. Va. Enc. Dig. 187.]

**3. Carriers (§ 316\*)—Injuries to Passengers—Negligence—Burden of Proof.**—The burden rested primarily on a street car passenger, suing for injuries caused by a bridge collapsing under the car, to show the company's negligence, but proof of injury through the accident was sufficient.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 1261, 1262, 1283-1294; Dec. Dig. § 316.\* 2 Va.-W. Va. Enc. Dig. 705.]

**4. Carriers (§ 316\*)—Injury to Passengers—Negligence—Burden of Proof.**—In a suit by a passenger against a carrier for personal injuries, proof of the accident shows negligence *prima facie*, and requires the carrier to disprove negligence, and show that the accident was inevitable, or resulted from a cause against which human care and foresight could not provide.

[Ed. Note.—For other cases; see Carriers, Cent. Dig. §§ 1261, 1262, 1283-1294; Dec. Dig. § 316.\* 2 Va.-W. Va. Enc. Dig. 705; 10 id. 402.]

**5. Carriers (§ 321\*)—Injuries to Passengers—Instructions—Negligence.**—In an action for injury to a street car passenger caused by a bridge collapsing under the car, it was not error to instruct that if the proximate cause of the collapse "might have been" the slipping of stringers, and that the defendant was negligent in the method adopted in placing the stringers in the bridge, plaintiff could recover.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 1247, 1326-1337, 1343; Dec. Dig. 321.\* 2 Va.-W. Va. Enc. Dig. 710.]

Error to Circuit Court, Roanoke County.

Action by Mary E. Sterrett against the Roanoke Railway & Electric Company. From a judgment for plaintiff, defendant brings error. Affirmed.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.